



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Public Disclosure Commission

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-04-049 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Title 390 WAC -- Rules relating to independent expenditures, sample ballots and slate cards, reports filed by nonreporting committees, exempt activities and the definition of Caucus of the State Legislature.

Purpose:

To clarify and implement changes to RCW 42.17 and to simplify and streamline the campaign reporting process for candidates and political committees.

Other identifying information:

(b) Statutory authority for adoption: RCW 42.17.370(1)

Statute being implemented: RCW 42.17.103 and .370(1)

(c) Summary: The proposed rule changes would repeal one rule, amend the form and reporting requirements for nonreporting committees, implement RCW 42.17.103, clarify definitions of exempt activities and sample ballots and slate cards, and simplify reporting of independent expenditure political advertising.

Reasons supporting proposal: The proposed new rule and rule amendments conform to statutory changes under RCW 42.17.103, clarify requirements of nonreporting committees, provide guidance to political party committees on the use of exempt funds, and define "top five contributors" for the purpose of political advertising by independent expenditure committees.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Doug Ellis	PDC 711 Capitol Way, Rm 206, Olympia	(360) 664-2735
2. Implementation.... Doug Ellis	PDC 711 Capitol Way, Rm 206, Olympia	(360) 664-2735
3. Enforcement..... Phil Stutzman	PDC 711 Capitol Way, Rm 206, Olympia	(360) 664-8853

(e) Name of proponent (person or organization): Public Disclosure Commission

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

Commission Hearing Room
Evergreen Plaza Building
711 Capitol Way, Room 206
Olympia, WA

Date: May 21, 2002 Time: 9:00 a.m.

Assistance for persons with disabilities: Contact
Ruthann Bryant by Telephone

TDD () _____ or (360) 753-1111

NAME (TYPE OR PRINT)

Susan Harris

SIGNATURE

Susan Harris

TITLE

Assistant Director

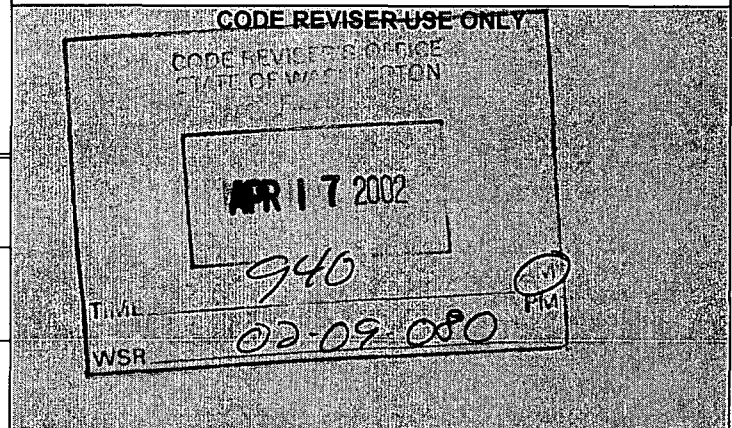
DATE

4/16/02

Submit written comments to:

Doug Ellis (dellis@pdc.wa.gov)
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908
FAX (360) 753-1112 By (date) May 17, 2002

DATE OF INTENDED ADOPTION: May 21, 2002



(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed rule changes would conform with statutory changes under RCW 42.17.103 which requires the reporting of independent expenditures within 24 hours of first being published or presented to the public during the 21 days before an election and would also specify the requirements and the kinds of committees that file PDC form C-5. The rule amendments define "Top Five Contributors" under RCW 42.17.510(2) and allow political committees to identify the top five contributors giving to the committee to underwrite political advertising for a specific independent expenditure. The definition of caucus of the state legislature is repealed.

The proposed rule changes also references the Washington State Supreme Court's decision regarding issue advocacy and the use of exempt funds, allows generic get-out-the-vote activity, regardless of the number of candidates benefited, to be funded with exempt contributions, and clarifies that at least three candidates must be listed on sample ballots and slate cards and that the distribution of sample ballots and slate cards must be within a geographical area where voters are eligible to vote for at least three candidates listed.

The proposed rule changes provide guidance and clarification to candidates and political committees on current statutory requirements.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The proposed changes clarify, simplify and streamline the campaign reporting process for candidates and political committees.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

☒ No. Explain why no statement was prepared

The implementation of these rules does not impact small businesses.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain:

The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state or federal political committees (~~(not domiciled in Washington state)~~). The official form for the report of contributions and expenditures of political committees (a) registered with the Federal Election Commission, (b) not domiciled in Washington state, or (c) otherwise not required to report under RCW 42.17.040, 42.17.065, or 42.17.080 is designated "C-5," revised ~~((1/02))~~ 6/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.

OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of committee making contribution

2. Check appropriate box

- ☐ This is the first report submitted during 19 ____
- ☐ This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.

3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of XYZ Trade Assn., or the election committee of US Senator John Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee

Name and address

Title

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name

Office sought

Political party

Date

Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address

Ballot number

For or against?

Date

Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address

Purpose

Date

Amount given

Check here ☐ if continued on attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to Washington State.

Contributions received from Washington residents:

List all contributions of more than \$25.00 in aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address

Date

Amount

Check here ☐ if continued on attached sheet

10. **Eligibility to Give to State Office Candidates:** During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

☐ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

11. **Certification:** I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Title

Daytime Telephone No.: ()

Be sure to notify each contribution recipient that you have filed this report, in order that they are aware they may spend the contribution given to them.)

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the State of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due within ten days of a Washington state candidate or political committee receiving a contribution of more than \$50 from an out-of-state or federal PAC. After filing an initial C-5 report, subsequent reports during the same calendar year may be filed by letter updating or amending the information previously reported. These follow-up reports are also due within ten days of the contribution's receipt.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-8908

VIOLATIONS AND PENALTIES

- Candidates for legislative office have a contribution limit of \$500 per election. Candidates for statewide executive office have a limit of \$1,000 per election. Each primary and general is a separate election.
- It is a violation of law for any person to make, or for any political committee or any local or judicial candidate to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election.
- Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be returned or forfeited to the state.

FORM C5 6/02	POST MARK RECEIVED	PDC OFFICE USE

OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of committee making contribution	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20____ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
--	---

3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of XYZ Trade Assn., or the election committee of US Senator John Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee	Title
Name and address	

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name	Office sought	Political party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot number	For or against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount given

Check here ☐ if continued on attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to Washington State.

9. Contributions received from Washington residents:

List all contributions of more than \$25.00 in aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address

Date

Amount

Check here ☐ if continued on attached sheet

10. **Eligibility to Give to State Office Candidates:** During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

☐ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

11. **Certification:** I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Title

Daytime Telephone No.: ()

(Be sure to notify each contribution recipient that you have filed this report, in order that they are aware they may spend the contribution given to them.)

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the State of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due within ten days of a Washington state candidate or political committee receiving a contribution of more than \$50 from an out-of-state or federal PAC. After filing an initial C-5 report, subsequent reports during the same calendar year may be filed by letter updating or amending the information previously reported. These follow-up reports are also due within ten days of the contribution's receipt.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

VIOLATIONS AND PENALTIES

- Candidates for legislative office have a contribution limit of \$625 per election. Candidates for statewide executive office have a limit of \$1250 per election. Each primary and general is a separate election.
- It is a violation of law for any person to make, or for any political committee or any local or judicial candidate to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election
- Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be returned or forfeited to the state.